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Defendant for U.S. Patent No. 5,332,322

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

THOMAS L. GAMBARO, an individual;
and **MOTIONLESS KEYBOARD
COMPANY**, an Oregon Corporation

Defendants.

Case No. CV 10-0231-BR

**DEFENDANT THOMAS L.
GAMBARO U.S.P. 5,332,322 AND
U.S.D. 405,071 COUNTERCLAIMS**

DEMAND FOR JURY TRIAL

THOMAS L. GAMBARO COUNTERCLAIMS
U.S. Patent No. 5,332,322 and U.S. Patent Design 405,071

A. U.S. Patent Number 5,332,322 titled "ERGONOMIC THUMB-ACTUABLE KEYBOARD FOR A HAND GRIPPABLE DEVICE", Claim One through Claim Three, and Claim Five are infringed by FLIR Systems Inc. with nine FLIR Accused Devices that include the FLIR i5 Thermal Imaging Camera, FLIR i7 Thermal Imaging Camera, FLIR b-40 Thermal Imaging Camera, FLIR b-50 Thermal Imaging Camera, FLIR b-60 Thermal Imaging Camera, FLIR i-40 Thermal Imaging Camera, FLIR i-50 Thermal Imaging Camera, FLIR i-60 Thermal Imaging Camera and FLIR infra CAM SD.

**DEFENDANT THOMAS L. GAMBARO U.S.P. 5,332,322 AND
U.S.D. 405,071 COUNTERCLAIMS**

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B. Each of the FLIR Accused Devices that are the i5, i7, b-40, b-50, b-60, i-40, i-50, I-60, and infra CAM SD also contains each and every element of U.S. Patent Number 5,332,322 Claim 1-3 & 5 and the CLAIM of U.S. Patent Design 405,071.

C. Each of the FLIR Accused Devices that are the i5, i7, b-40, b-50, b-60, i-40, i-50, I-60, and infra CAM SD also contains the equivalent of each and every element of U.S. Patent Number 5,332,322 Claim 1-3 & 5 and the CLAIM of U.S. Patent Design 405,071.

D. Each FLIR ____ Accused Device below are to be individually examined (i5, then i7 et al.) in turn for each of the following elements for each Accused Device individually:

1. The FLIR ____ Accused Device is a hand-held device?
2. The FLIR ____ Accused Device contains an electronic system?
3. The FLIR ____ Accused Device contains a keyboard?
4. The FLIR ____ Accused Device has a keyboard capable of entering information?
5. The FLIR ____ Accused Device has an electronic system controlled by a keyboard?
6. The FLIR ____ Accused Device is a hand-held device with a housing?
7. The FLIR ____ Accused Device has a housing with a grippable portion?
8. The FLIR ____ Accused Device is a device that can be held in one hand?
9. The FLIR ____ Accused Device is a device held in one hand with the thumb free?
10. The FLIR ____ Accused Device lets the thumb move to predetermined positions?

11. The FLIR __ Accused Device has a housing that contains a concavity?
12. The FLIR __ Accused Device has a housing that contains a concave area?
13. The FLIR __ Accused Device has a concavity at the key-actuation positions?
14. The FLIR __ Accused Device has a thumb-associable cluster of keys?
15. The FLIR __ Accused Device has three or more keys forming a keyboard?
16. The FLIR __ Accused Device has a keyboard in a concavity?
17. The FLIR __ Accused Device has a plurality of keys in a cluster of at least three?
18. The FLIR __ Accused Device allows the thumb to selectively actuate keys?
19. The FLIR __ Accused Device allows the thumb to make endo movements?
20. The FLIR __ Accused Device allows the thumb to move lateral and endo?
21. The FLIR __ Accused Device allows the thumb to move inside a concavity?
22. The FLIR __ Accused Device lets the thumb move inside concave areas?
23. The FLIR __ Accused Device allows keys to activate to enter information?
24. The FLIR __ Accused Device allows information to enter an electronic system?
25. FLIR Systems Incorporated is infringing U.S. Patent 5,332,322 and U.S. Patent Design 405,-071 for each and every accused devices specified above.

DAMAGES TO BE DETERMINED BY JURY

B. The Court enter judgment against the Plaintiff on patent infringements of each and every FLIR Accused Device for infringement of the '322 Patent and '071 Patent including attorney fees and costs.

PRAYER FOR RELIEF

C. The Court enter judgment against Plaintiff on and dismiss with prejudice, each claim of the COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF PATENT in favor of the Defendant.

DECLARATORY JUDGMENTS FOR INFRINGEMENT DAMAGES

A. Damages for infringement of U.S. Patent Number 5,332,322 titled "ERGONOMIC THUMB-ACTUABLE KEYBOARD FOR A HAND GRIPPABLE DEVICE" and U.S. Patent Design 405,071 titled "CURSOR CONTROL-DATA ENTRY DEVICE as illustrated with additional evidence that includes U.S. Patent Design 405,071 patent issued February 2, 1999 and '322 Claim Chart examining '071 embodiments based on the sales of FLIR Accused Devices that are disclosed during discovery for the i5, i7, b-40, b-50, b-60, i-40, i-50, I-60, and infra CAM SD contain each and every element of U.S. Patent Number 5,332,322 Claim One through Claim Three and Claim Five and the CLAIM of U.S. Patent Design 405,071 either literally or the equivalent of all specified claims that includes the life of both patents combined that include the continuous term of July 26, 1994 to February 2, 2013. These are illustrated in COUNTERCLAIM EXHIBIT A and COUNTERCLAIM EXHIBIT B.

JURY DEMAND

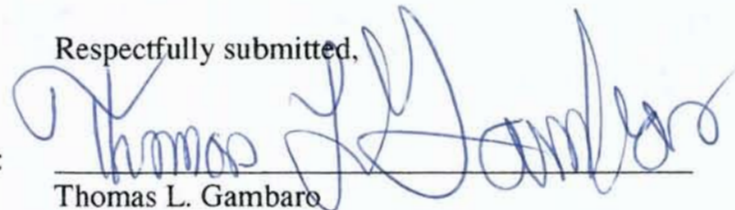
B. The Defendant THOMAS L. GAMBARO, US Patent No. 5,332,322 and U.S. Patent Design 405,071 demands a trial by jury.

**DEFENDANT THOMAS L. GAMBARO U.S.P. 5,332,322 AND
U.S.D. 405,071 COUNTERCLAIMS**

Respectfully submitted,

August 6, 2010

By:

A handwritten signature in blue ink, appearing to read "Thomas L. Gambaro", is written over a horizontal line.

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